



Hamilton

STAFF COMMENTS

HEARING DATE: September 24, 2024

A-24:80 – 262 Springbrook Avenue, Ancaster

Recommendation:

Development Planning – Deny Variance 1 and Approve Variance 2
Development Engineering - Deny

Proposed Conditions:

1. That Variance 2 only apply to the rear deck and associated steps as shown on the submitted plan titled “Wood Deck Addition” dated October 2022.

Proposed Notes:



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Development Planning:

Background

To facilitate the construction of a two-storey rear deck addition to the existing single detached dwelling.

Staff note that Minor Variance application AN/A-23:01 was heard at and approved at the February 16, 2023 Committee of Adjustment hearing and granted the following variance on the subject property:

1. A minimum rear yard setback of 2.68 metres shall be provided instead of the minimum required 7.5 metre rear yard setback.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and are designated as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policy E.3.2.3, amongst others, is applicable and permits the existing single detached.

Meadowlands Neighbourhood IV Secondary Plan

The subject lands are further designated “Low Density Residential 2b” and located in “Area Specific Policy – Area D” on Map B.2.6-1 within the Meadowlands Neighbourhood IV Secondary Plan. Policy B.2.6.1.4, among others, is applicable and permits the existing single detached dwelling.

Archaeology

The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and
- 3) In an area of sandy soil in areas of clay or stone;

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.



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If this variance is granted, the City does not require an archaeological assessment, but **the proponent must be advised in writing by the Committee of Adjustment as follows:**

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry Citizenship and Multiculturalism (MCM) should be notified immediately (416-212-0036). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).

Cultural Heritage

No comments.

Former Town of Ancaster Zoning By-law No. 87-57

The subject lands are zoned Residential “R4” Zone, Modified in Former Town of Ancaster Zoning By-law No. 87-57. The existing single detached dwelling is a permitted use.

Variance 1

1. A minimum northerly side yard of 0.0 metres shall be permitted to the stair structure associated with the rear deck structure instead of the minimum 1.2 metre side yard required.

The intent of this provision is to ensure sufficient space is maintained for access, maintenance and drainage purposes. Staff defer to Development Engineering regarding drainage concerns.

Staff note that the southerly side yard, being 1.3 metres wide, would provide unobstructed access to the rear yard of the property. Staff further note that the proposed staircase would not interfere with the maintenance of the northerly side façade of the existing dwelling. However, comments provided by Development Engineering staff indicate that the proposed staircase conflicts with the side yard swale and would affect the existing drainage. Therefore, Development Planning staff cannot support Variance 1 as it does not maintain the intent of the Zoning By-law, is not desirable for the proposed development, and is not minor in nature.



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Variance 2

- 2. A minimum rear yard of 4.2 metres shall be permitted to the deck structure and a minimum rear yard of 2.4 metres shall be permitted to the associated stair structure instead of the minimum 7.5 metre rear yard required.

The intent of this provision is to ensure sufficient amenity space is provided in the rear yard of the subject property.

Staff are of the opinion that the variance maintains sufficient amenity space in the rear yard as the proposed deck enhances the amenity space of the rear yard. Therefore, Staff are of the opinion that the requested variance maintains the general intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable and appropriate for the use of the land and is minor in nature. Staff support the variance.

Staff note that if the variance is granted, that a condition be placed on the approval that the variance only be applied to the proposed deck, as per the submitted plan titled “Wood Deck Addition” dated October 2022.

Staff are of the opinion that the requested variance meets the four tests of a minor variance. Based on the foregoing, **staff recommend denial of Variance 1 and approval of Variance 2, subject to the recommended condition.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ul style="list-style-type: none"> Staff have previously interpreted that a roofed-over deck at the rear of a dwelling is considered as part of the principle building and is therefore subject to the principle building regulations but not including lot coverage.
Notes:	

Development Engineering:

Recommendation:	Deny
Proposed Conditions:	
Comments:	As it appears that the proposed stair conflicts with the side yard swale thus affecting the existing drainage. Therefore, variance #1 is not supported by the Development Engineering staff.



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Notes:	A minimum side yard of 0.45m is required for drainage Swale.
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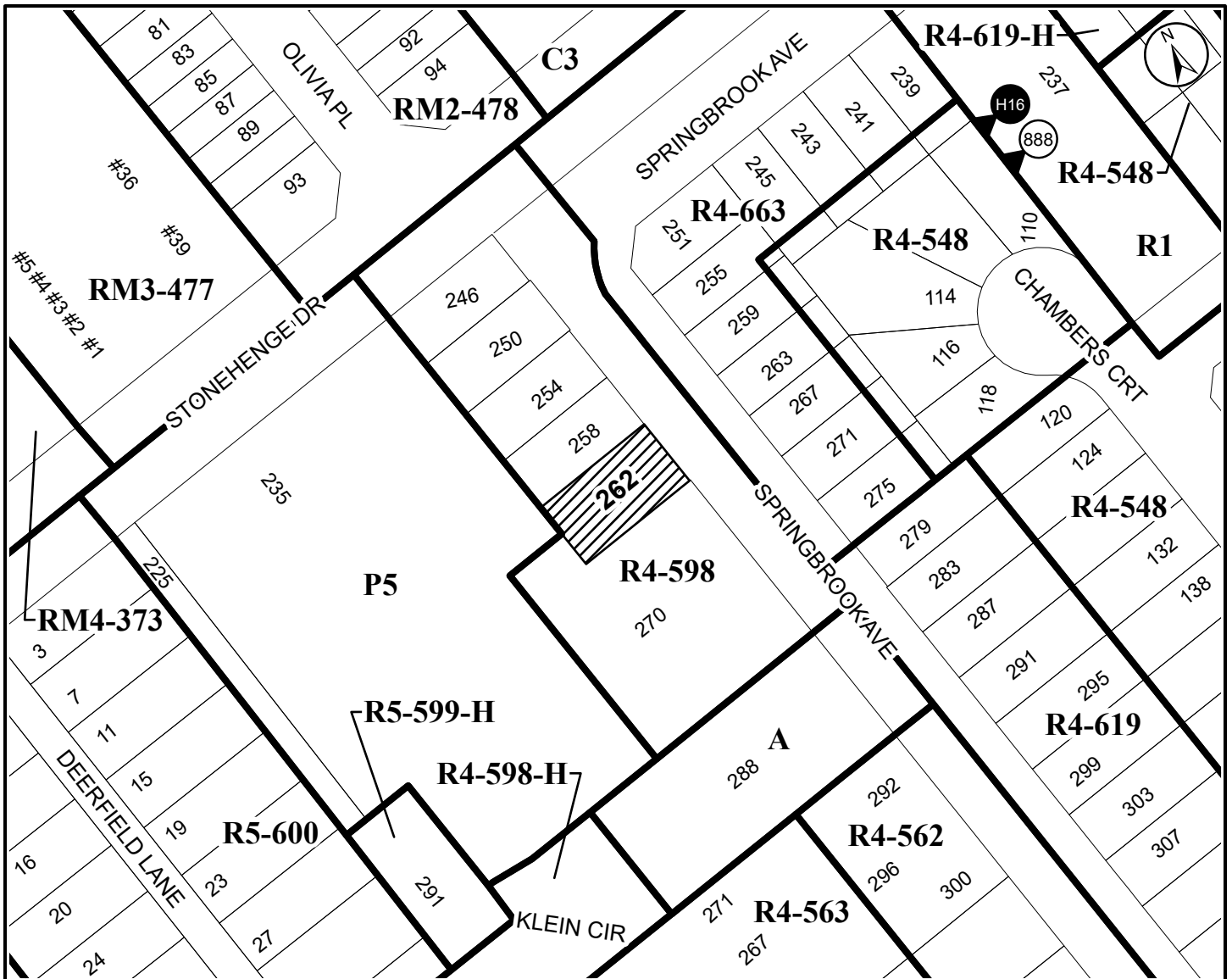
Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	<p>Building Permit # 23-107096, issued on August 1, 2023 to construct a 22m2 covered porch in the rear yard of the single family dwelling remains not finalized.</p> <p>A building permit is required for the construction the proposed two-storey rear deck addition to the existing single detached dwelling.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

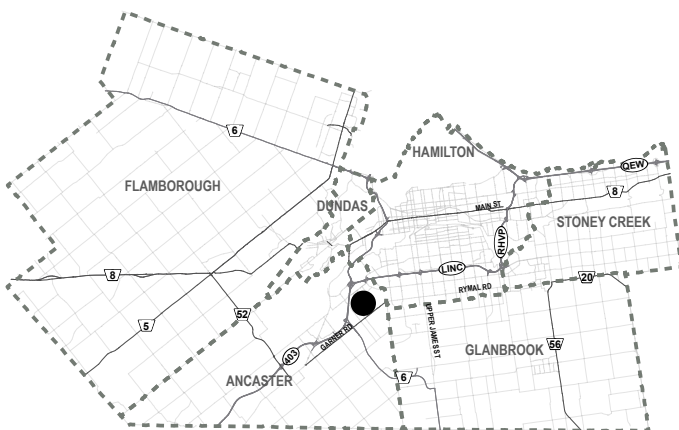
Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



262 Springbrook Avenue, Ancaster
(Ward 12)

File Name/Number:
A-24:80

Date:
September 12, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department